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February 10, 2023

Via ECF

Hon. Robert W. Lehrburger
United States District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

Re: IN THE MATTER OF THE COMPLAINT of HAPAG-LLOYD
AKTIENGESELLSCHAFT A/K/A HAPAG-LLOYD AG as OWNERS AND
OPERATORS OF THE M/V YANTIAN EXPRESS
19-cv-5731 (GHW) (RWL)

Dear Judge Lehrburger:

We are counsel to the Mound Cotton Claimants in this action. We write jointly with Petitioner Hapag-Lloyd, (“Hapag”) with respect to the Court’s Order dated January 24, 2023 (Doc. No. 875) (“the Order”). The Order granted the Mound Cotton Claimants January 23, 2023 letter request, with Hapag’s consent, to further adjourn the time for Claimant Pepsico Concentrate Manufacturing (Singapore) Pte Ltd., (“Pepsico”) to produce certain documents responsive to Hapag’s December 15, 2021 request for production of documents, from January 23, 2023, to February 11, 2023, in light of the recommencement of substantive settlement negotiations (Doc. No. 874).

We are pleased to report that the parties have settled their dispute as to the valuation for settlement purposes of the six containers of Pepsico Gatorade dry mix powder (“the Containers”) and agreed in principle on the terms of a settlement agreement, which also encompasses the general average and salvage aspects as to the Containers. We are in the process of drafting a comprehensive settlement agreement, which will then need to be reviewed by English counsel for both parties as well as the third party marine average adjuster appointed in this matter for their agreement as to certain terms. Accordingly, we would appreciate the Court’s continued accommodation in this matter and with Hapag’s consent, respectfully ask that the Court adjourn the compliance date in the Order from February 11, 2023 to February 28, 2023. At that time, if the comprehensive settlement agreement has been fully executed, Hapag will withdraw its September 1, 2022 letter motion to compel the production of Pepsico documents (Doc. No. 816).

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This is the Mound Cotton Claimants' fourth request to adjourn the compliance date in the Order.

Respectfully submitted,

s/s/ Jonathan S. Chernow

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